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3731/4

Serial No.: 10/569,021  
Attorney Docket No.: 2G02.1-082 1  
PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: LeVAUGHN et al.	)	
	)	Conf. No.: 9120
Serial No.: 10/569,021	)	
	)	Group Art Unit: 3731
Filed: February 17, 2006	)	
	)	Examiner: unassigned
For: BLOOD SAMPLING DEVICE	)	
	)	

**PETITION TO ACCEPT SIGNATURE BY CO-INVENTOR ON BEHALF OF INVENTOR  
WHO REFUSES TO JOIN IN APPLICATION OR CANNOT BE REACHED  
(37 C.F.R § 1.47(a))**

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

GARDNER GROFF  
SANTOS & GREENWALD, P.C.  
2018 Powers Ferry Road  
Parkwood Point, Suite 800  
Atlanta, Georgia 30339

December 5, 2006

This is a Petition under 37 C.F.R §1.47(a) to accept signature of the Declaration by joint inventors on behalf of Mitchell A. Solis, a non-signing joint inventor who cannot be found or reached after diligent effort.

This Petition is accompanied by the \$130 fee set forth in 37 C.F.R §1.17(h). The Commissioner is authorized to charge any additional fees due or credit any overpayment to Deposit Account 50-1513.

12/08/2006 CNGUYEN2 00000051 10569021

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The Declaration signed by the available joint inventors is enclosed, with the signature line for the non-signing inventor left blank, and is to be treated as having been signed by the available joint inventors on behalf of the non-signing inventor. MPEP §409.03(a)(A).

The last known address for the non-signing joint inventor is:


Mitchell A. Solis  
1975 Lexington Lane  
Cumming, Georgia 30004

The following statement and attachments provide proof of the pertinent facts supporting this Petition:

- (1) On November 8, 2006, the undersigned, acting as counsel for the assignee of this application, forwarded a copy of the application to the non-signing joint inventor, Mitchell A. Solis, along with an inventors' declaration for signature by Mr. Solis. A copy of the correspondence forwarding these materials, along with tracking information from FedEx regarding delivery of the correspondence is attached as Attachment 1 hereto.
- (2) In addition to the written communication, our office has attempted on numerous occasions to contact Mr. Solis by telephone, leaving numerous voicemails requesting a call back. These calls to Mr. Solis have not been returned.
- (3) To date, none of our attempts to reach Mr. Solis and obtain his signature have been successful.

Being warned that willful false statements and the like are punishable by fine or imprisonment or both (18 U.S.C. §1001), and may jeopardize the validity of the application or any patent issuing thereon, all statements made herein of my own knowledge are true, and all statements made on information and belief are believed to be true.

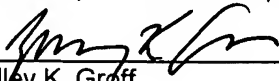
Respectfully submitted,

  
\_\_\_\_\_  
Bradley K. Groff  
Registration No. 39,695

Customer No.: 23506  
GARDNER GROFF SANTOS & GREENWALD, P.C.  
2018 Powers Ferry Road  
Parkwood Point, Suite 800  
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**Certificate of Mailing (37 C.F.R. §1.8)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

  
\_\_\_\_\_  
Bradley K. Groff

12/5/2006  
\_\_\_\_\_  
Date

ARTHUR A. GARDNER  
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PATENT, TRADEMARK AND COPYRIGHT LAW AND RELATED MATTERS EXCLUSIVELY

JOHN M. HARMAN\*  
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LAWRENCE A. VILLANUEVA, PH.D.  
JOSEPH W. STALEY

\* OTHER BARS ONLY



November 8, 2006

Mitchell A. Solis  
1975 Lexington Lane  
Cumming, Georgia 30004

Via Federal Express  
Tracking #: 8526 1666 5546

Re: U.S. National Phase Patent Application for  
BLOOD SAMPLING DEVICE  
Serial No.: 10/569,021  
Filing Date: February 17, 2006  
Our File No.: 2G02.1-082 1


Dear Mitch:

Enclosed is a Declaration for the above-identified U.S. patent application, which you worked with while at Facet. A copy of the application is enclosed for your review prior to executing the document.

Please sign and date the Declaration where indicated and return it to me for filing with the Patent Office. For your convenience, I have enclosed a stamped return envelope to return the signed document to me.

Thank you in advance for your assistance. Please give me a call if you have any questions or concerns.

Very truly yours,

  
Bradley K. Groff  
For the Firm

BKG:rjh  
Enclosure



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